



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2119*

Mitt Romney  
GOVERNOR

Kerry Healey  
LIEUTENANT GOVERNOR

Stephen R. Pritchard  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

## OPINION EDITORIAL

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What is the largest single piece of largely undeveloped publicly-owned land in the Commonwealth? Most might answer that it is the watershed lands around the Quabbin Reservoir – and they would be wrong. Many citizens of Massachusetts may be surprised to learn that they have an ownership interest in approximately 1.5 million acres of public property – land under the ocean from the low water mark out to the extent of state jurisdiction (usually three miles offshore). These lands are held in trust for the people of Massachusetts by the Legislature and by extension the Commonwealth's agencies that review specific proposals for private use of these extensive public holdings. For centuries, our offshore waters were primarily used for navigation, fishing and recreation, but increasingly, other uses are being proposed – gas pipelines, fiber optic cables, wind and wave energy, fish farming, liquid natural gas facilities, desalinization projects, wastewater treatment plant discharges and sand extraction to replenish beaches. These projects use, or propose to use, public ocean space to meet our growing human needs and have, or will have, long-term impacts on Massachusetts' most renowned public resource.

This steady stream of ocean use proposals- on a first-come, first-serve basis- continues to raise a wide spectrum of public policy questions. Under what circumstances is it appropriate to consider leasing submerged public lands for development of permanent structures? What are the impacts of these projects individually and, more importantly, collectively? How do we guide the decisions on what ocean development projects should be allowed and who should decide? How much is public ocean space worth to a private developer and to the public?

The ever-increasing number of ocean use proposals presents a serious challenge to the project-by-project approach that we have been using to manage our offshore areas.

Currently, we simply react to proposals when they are submitted, one at a time, with limited ability to consider the wider context, the cumulative consequences or impacts. Although we have an array of laws that do a good job of managing specific uses (fishing) or protecting specific resources (water quality), we are still lacking a mandate or methodology to manage these public trust resources in a proactive and comprehensive manner. The time is now to take this next important step. We should begin setting standards now to guide future ocean development decisions, helping guide sustainable development utilizing the best available science, public discourse, and deliberate planning. [For example areas that are healthy fishing areas or have productive eelgrass habitat would not be favorable sites to allow the laying of cables or pipelines and conversely, we would like to have an organized idea of areas that are capable of accommodating energy facilities without significant ecological or aesthetic impacts. Waiting until a project is before us puts the environmental agencies and the public we represent in an extremely weak position. ]

Following the year-long effort of the Massachusetts Ocean Management Task Force, Governor Romney introduced legislation in March 2005, which proposed to address this challenge by establishing a statewide mandate to develop the Commonwealth's first ocean management plan. The Massachusetts Oceans Act, the first of its kind in the nation, would require the development of an ocean management plan to guide siting decisions for structures in the ocean. The plan, a collaborative effort to be guided by an Ocean Management Advisory Commission and informed by the best science available (coordinated through an Ocean Science Advisory Council) will involve extensive public consultation and would, once approved, be implemented by existing state agencies and establish the foundation upon which to build our growing understanding of the ocean environment. Over the past few years alone, our environmental agencies have made great strides in mapping the Massachusetts Bay seafloor, restoring tidal marsh and estuarine habitats, protecting fishing areas in Massachusetts Bay and identifying near shore areas polluted by nutrients from land. The ocean planning process would expand our current understanding of the ocean environment, inform the decision-making of public and private stakeholders and will make this knowledge readily available to all. The Plan does not affect fisheries management and does not include the ability to close areas to fishing, tasks that will remain the responsibility of the Division of Marine Fisheries. Fisheries managers will, however, be important participants in the development of the Plan and will have a stronger voice in the siting of ocean development projects.

Much has happened since the original filing of the bill. The General Court, working with Governor Romney's bill and with Senator Robert O'Leary who filed similar legislation, has taken the next important step towards sustainable ocean use by favorably reporting out the Massachusetts Oceans Act of the Natural Resources and Agriculture Committee in December. The bill is now before the Senate Ways and Means Committee. The Legislature is faced with many competing priorities for their attention, but I urge them on behalf of the citizens of the Commonwealth to pass this legislation before the end of their biennial session.

Massachusetts is a special place to live, work, and raise a family due in no small part to our spectacular ocean resources. The debate over the proper use of the public's ocean resources is not going away soon and we are poised to take the bold but critical step now to enable proper stewardship of our public ocean resources for decades to come. Effective management requires effective management tools. Passage of the Massachusetts Oceans Act will allow us to be national leaders in the effort to manage ocean resources and to better protect this asset that we hold in trust for the citizens of the Commonwealth.

Sincerely,

Secretary Stephen R. Pritchard  
Executive Office of Environmental Affairs